

Land Development Regulations
Chapter 3-9-. Zoning
Article II. District Regulations

Sec. 3-9-29. PKR

~~Sec. 3-9-29. Marine park (MP).~~

~~(a) Intent: The intent of the MP district to protect and preserve submerged lands in the county extending seaward from the mean high water line or bulkhead line. Canals, manmade lakes, ponds and water impoundment areas are specifically excluded from the operation of this section.~~

~~(b) Permitted principal uses and structures. The following uses and structures are permitted in this district:~~

~~(1) Uses such as boating, swimming, fishing, diving, water skiing, surfboarding, wading and similar activities.~~

~~(2) Boat docks and boat lifts.~~

~~(3) Seawalls, bulkheads, riprap and similar structures.~~

~~(4) Navigational markers and signal devices.~~

~~(5) Public utility lines.~~

~~(c) Permitted accessory uses and structures. Uses, but not structures, which are customarily accessory and clearly incidental to permitted uses.~~

~~(d) Prohibited uses and structures. Any use or structure not specifically or by reasonable implication permitted herein.~~

~~(e) Special exceptions. (For procedure see section 3-9-7, "Special exceptions.") The following are special exceptions in this district:~~

~~(1) Structures and uses which relate directly and immediately to permitted uses in upland zoning classifications abutting an MP district.~~

~~(2) Covered boat slip and boat houses.~~

~~(3) Commercial wet storage of boats.~~

~~(4) Houseboats and boats used for living purposes in accordance with section 3-9-80~~

~~(5) Such other uses as determined by the zoning official or his/her designee to be:~~

~~a. Appropriate by reasonable implication and intent of the district.~~

~~b. Similar to another use either explicitly permitted in that district or allowed by special exception.~~

~~c. Not specifically prohibited in that district.~~

~~The board of zoning appeals shall review a favorable determination of the zoning official under this provision at the time the special exception application is presented to it. An unfavorable determination of the zoning official or his/her designee shall be appealable pursuant to section 3-9-6 of these regulations.~~

~~All uses within this district are subject to all regulations and permitting procedures of all agencies having jurisdiction over county waters.~~

~~(f) Development standards. The following development standards shall apply in this district:~~

~~See section 3-9-70, "Boat docks; boat houses; boat lifts."~~

~~Where properties lie anywhere on a barrier island or within one thousand two hundred (1,200) feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor,~~

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~~Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with section 3-9-98.~~

~~(g) Signs. All signs are prohibited except signs for navigations, warning, trespassing and caution.~~

~~(Minutes of 12-8-81, § 7; Ord. No. 89-34, § 3, 5-31-89; Ord. No. 94-55, § 4, 11-3-94; Ord. No. 2002-008, § 1, 1-28-02)~~

~~Editor's note —~~

~~These provisions were formerly found in § 3-9-44. The provisions of former § 3-9-29 are now found in § 3-9-30~~

~~Cross reference — Boats, docks and waterways, Ch. 3-1; parks and recreation, Ch. 3-11.~~

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Sec. 3-9-29. Parks and Recreation (PKR)

(a) Intent: The purpose and intent of this district is to provide land for recreational opportunities, as well as to protect and preserve submerged lands in the County extending seaward from the mean high-water line or bulkhead line. Canals, manmade lakes, ponds, and water impoundment areas are specifically excluded from the operation of this section.

(b) Permitted Uses and Structures (P):

(1) The following uses and structures shall only apply to uplands:

a. Boat ramps.

b. Cemetery, mausoleum.

c. Community garden.

d. Golf course.

e. Government uses and facilities.

f. Outdoor educational facility.

g. Park, public or not-for-profit.

h. Recreation, indoor.

i. Recreation, outdoor.

j. Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-69. Communication Towers)

(2) The following uses and structures shall only apply to submerged lands:

a. Boat docks, boat lifts, ramps and piers.

b. Navigational markers and signal devices.

c. Seawalls, bulkheads, riprap, and similar structures.

d. Uses such as boating, swimming, fishing, diving, water skiing, surfboarding, wading, and similar activities.

(c) Permitted Accessory Uses and Structures shall only apply to uplands: Uses and structures which are customarily accessory and clearly incidental to permitted and conditional uses and structures are permitted in this district, including but not limited to:

(1) Fences or walls may be permitted prior to the principal uses and structures.

(d) Conditional Uses and Structures (C) shall only apply to uplands: (For rules and regulations for any use designated as a Conditional Use or Structure, see Sec.3-9-70. Conditional Uses and Structures)

(1) Livestock breeding, boarding, training, and grazing.

(e) Prohibited Uses and Structures: Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Eexception shall be unlawful in this district.

(f) Special Exceptions (S): (For procedure see Sec. 3-9-6.2. Special Exceptions)

The following uses shall only apply to uplands:

(1) Amphitheater.

(2) Animal sanctuary, zoo.

(3) Auditorium, convention center, performing arts center.

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- (4) Campground.
- (5) Clubhouse, community center.
- (6) Leisure vehicle rental.
- (7) Marina.
- (8) Motor sports track, venue.
- (9) Outdoor market or exhibition space.
- (10) Place of Worship. (see Sec. 3.7.83. Places of Worship).
- (11) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-69. Communication Towers)

The following uses shall only apply to submerged lands:

- (1) Boat houses.
- (2) Houseboats and boats used for living purposes. (see 3-9-66.1. Boats Used for Living Purposes; Houseboats)
- (3) Mooring fields.
- (4) Principal structures and uses which relate directly and immediately to permitted uses in upland zoning classifications abutting a PKR district.

Such other uses in uplands and submerged lands as determined by the Zoning Official or his/her designee to be:

- a. Appropriate by reasonable implication and intent of the district.
- b. Similar to another use either explicitly permitted in that district or allowed by Special Exception.
- c. Not specifically prohibited in that district.

All conditional uses and structures that cannot meet all conditions set forth in this Code.

The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this provision at the time the Special Exception application is presented to it. An unfavorable determination of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning Appeals.

All uses within this district are subject to all regulations and permitting procedures of all agencies having jurisdiction over County waters.

(g) Development Standards:

Lot (min.)	
Area (sq. ft.)	<u>5,000</u>
Width (ft.)	<u>25</u>
Setbacks (min. ft.)	
Front	<u>10</u>
Side	<u>10</u>
Rear	<u>10</u>
Abutting water	<u>20</u>
Bulk (max.)	
Lot Coverage for All	<u>40%</u>

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<u>Buildings (active park)</u>	
<u>Lot Coverage for All Buildings (passive park)</u>	<u>10%</u>
<u>Height (ft.)</u>	<u>38</u>
<u>Density (units/acre)</u>	<u>0</u>

See Sec. 3-9-66. "Boat Docks; Boat Houses; Boat Lifts."

Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with Sec. 3-9-89, Waterfront Property.

(h) *Signs.* Signs for uplands should be in accordance with Sec. 3-9-86. All signs are prohibited except signs for navigations, warning, trespassing and caution.

(i) *Off-street parking.* Off-street parking shall be in accordance with Sec. 3-9-80.